

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

EDWARD LENTZ)	CASE NO. 1:04 CV 0669
)	
Plaintiff,)	
)	JUDGE JOHN M. MANOS
v.)	
)	
CITY OF CLEVELAND, <i>et al.</i>,)	ANSWER TO COMPLAINT BY
)	DEFENDANTS CITY OF CLEVELAND,
Defendants.)	SANFORD E. WATSON, AND EDWARD
)	F. LOHN
)	
)	JURY DEMAND ENDORSED HEREIN

The Defendants, City of Cleveland, Director of Safety Sanford E. Watson and Chief of Police Edward F. Lohn, for their answer to Plaintiff's complaint, state the following:

1. The statement contained in paragraph one of the complaint is a descriptive summary of the allegations to follow for which no responsive pleading is required.
2. The statement contained in paragraph two of the complaint is a descriptive summary of the allegations to follow for which no responsive pleading is required.
3. The allegations contained in paragraph three of the complaint are denied.
4. The allegations contained in paragraph four of the complaint are admitted.
5. The allegations contained in paragraph five of the complaint are admitted.
6. The allegation contained in paragraph six of the complaint is a statement for which no responsive pleading is required.

7. Defendants admit that Plaintiff is attempting in paragraph seven of the complaint to invoke the jurisdiction of the Common Pleas Court under R.C. §§ 2305.01, 4412.02(A), and 4112.99, but denies all other allegations contained therein.
8. The allegations contained in paragraph eight of the complaint are admitted.
9. The allegations contained in paragraph nine of the complaint are denied for lack of knowledge.
10. The allegations contained in paragraph ten of the complaint are denied for lack of knowledge.
11. The allegations contained in paragraph eleven of the complaint are denied for lack of knowledge.
12. The allegations contained in paragraph twelve of the complaint are denied for lack of knowledge.
13. The allegations contained in paragraph thirteen of the complaint are denied.
14. The allegations contained in the paragraph fourteen of the complaint are denied.
15. The allegations contained in paragraph fifteen of the complaint are denied.
16. The allegations contained in paragraph sixteen of the complaint are denied.
17. The allegations contained in paragraph seventeen of the complaint are admitted.
18. The allegation contained in paragraph eighteen are of the complaint are denied.
19. The allegations contained in paragraph nineteen of the complaint are denied.
20. The allegations contained in paragraph twenty of the complaint are denied.
21. The allegations contained in paragraph twenty-one of the complaint are denied.
22. The allegations contained in paragraph twenty-two of the complaint are admitted.
23. The allegations contained in paragraph twenty-three of the complaint are admitted.
24. The allegations contained in paragraph twenty-four of the complaint are admitted.
25. The allegations contained in paragraph twenty-five of the complaint are admitted.
26. The allegations contained in paragraph twenty-six of the complaint are admitted.

27. The allegations contained in paragraph twenty-seven of the complaint are admitted.
28. The allegations contained in paragraph twenty-eight of the complaint are admitted.
29. The allegations contained in paragraph twenty-nine of the complaint are admitted.
30. The allegation contained in paragraph thirty of the complaint is a statement for which no responsive pleading is required.
31. The allegations contained in paragraph thirty-one of the complaint are denied.
32. The allegations contained in paragraph thirty-two of the complaint are denied.
33. The allegations contained in paragraph thirty-three of the complaint are denied.
34. The allegations contained in paragraph thirty-four of the complaint are denied.
35. The allegations contained in paragraph thirty-five of the complaint are denied.
36. The allegations contained in paragraph thirty-six of the complaint are admitted.
37. The allegations contained in paragraph thirty-seven of the complaint are denied for lack of knowledge.
38. The allegation contained in paragraph thirty-eight of the complaint is a statement for which no responsive pleading is required.
39. The allegations contained in paragraph thirty-nine of the complaint are denied.
40. The allegations contained in paragraph forty of the complaint are denied.
41. The allegations contained in paragraph forty-one of the complaint are denied.
42. The allegations contained in paragraph forty-two of the complaint are denied.
43. The allegations contained in paragraph forty-three of the complaint are denied.
44. The allegations contained in paragraph forty-four of the complaint are denied.
45. The allegations contained in paragraph forty-five of the complaint are denied.

46. The allegations contained in paragraph forty-six of the complaint are denied for lack of knowledge.
47. The allegation contained in paragraph forty-seven of the complaint is a statement for which no responsive pleading is required.
48. The allegations contained in paragraph forty-eight of the complaint are denied.
49. The allegations contained in paragraph forty-nine of the complaint are denied.
50. The allegations contained in paragraph fifty of the complaint are admitted.
51. The allegations contained in paragraph fifty-one of the complaint are denied for lack of knowledge.
52. The allegation contained in paragraph fifty-two of the complaint is a statement for which no responsive pleading is required.
53. The allegations contained in paragraph fifty-three of the complaint are denied.
54. The allegations contained in paragraph fifty-four of the complaint are denied.
55. The allegations contained in paragraph fifty-five of the complaint are denied.
56. The allegations contained in paragraph fifty-six of the complaint are denied for lack of knowledge.
57. The allegation contained in paragraph fifty-seven of the complaint is a statement for which no responsive pleading is required.
58. The allegations contained in paragraph fifty-eight of the complaint are admitted.
59. The allegations contained in paragraph fifty-nine of the complaint are denied.
60. The allegations contained in paragraph sixty of the complaint are denied.
61. The allegations contained in paragraph sixty-one of the complaint are denied.
62. The allegations contained in paragraph sixty-two of the complaint are denied.
63. The allegations contained in paragraph sixty-three of the complaint are denied for lack of knowledge.

64. The allegations contained in paragraph sixty-four of the complaint are denied.
65. The allegation contained in paragraph sixty-five of the complaint is a statement for which no responsive pleading is required.
66. The allegations contained in paragraph sixty-six of the complaint are admitted.
67. The allegations contained in paragraph sixty-seven of the complaint are denied for lack of knowledge.
68. The allegations contained in paragraph sixty-eight of the complaint are denied.
69. The allegations contained in paragraph sixty-nine of the complaint are denied for lack of knowledge.
70. The allegation contained in paragraph seventy of the complaint is a statement for which no responsive pleading is required.
71. The allegations contained in paragraph seventy-one of the complaint are denied.
72. The allegations contained in paragraph seventy-two of the complaint are denied.
73. The allegations contained in paragraph seventy-three of the complaint are denied.
74. The allegations contained in paragraph seventy-four of the complaint are denied.
75. The allegations contained in paragraph seventy-five of the complaint are denied.
76. All allegations contained in the prayer for relief, paragraphs seventy-six through eighty-one, are denied, and each and every other allegation not specifically admitted is denied.

AFFIRMATIVE DEFENSES

1. The complaint fails to state a claim upon which relief can be granted.

2. Plaintiff's claims are barred by the applicable statutes of limitations, including but not limited to, the jurisdictional limits under 42 U.S.C. §§ 1201, 1981, 1983, as well as R.C. Chapter 4112.
3. Plaintiff lacks standing to raise some or all of the claims set forth in the complaint.
4. Plaintiff's claims are barred by the doctrine of res judicata.
5. Plaintiff's claims are barred by the doctrine of collateral estoppel.
6. Defendants are entitled to immunity under applicable federal and state statutes.
7. Plaintiff's claims are barred by the doctrine of laches.
8. Plaintiff has failed to exhaust his administrative remedies.
9. Plaintiff has failed to mitigate his damages.

WHEREFORE, having fully answered, Defendants City of Cleveland, Director of Safety Sanford E. Watson and Chief of Police Edward F. Lohn, respectfully request this Honorable Court to dismiss the complaint with prejudice, and award to Defendants such other relief as the Court deems just and equitable, including Defendants' costs, attorneys' fees, and other litigation expenses.

Respectfully submitted,

SUBODH CHANDRA (#0069233)
DIRECTOR OF LAW

s/ Kevin J. Gibbons

KEVIN J. GIBBONS (0058635)

GAIL D. BAKER (0064772)

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ATTORNEYS FOR DEFENDANTS

JURY DEMAND

Trial by jury is hereby demanded.

s/ Kevin J. Gibbons

KEVIN J. GIBBONS (0058635)

GAIL D. BAKER (0064772)

Assistant Directors of Law

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Answer to Plaintiff's Complaint was electronically filed and served by regular mail upon all counsels of record this 16th day of April 2004.

s/ Kevin J. Gibbons

KEVIN J. GIBBONS (0058635)

GAIL D. BAKER (0064772)

Assistant Directors of Law